

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

CLINTON CARL PICKETT
TX-1337798-R

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DOCKETED COMPLAINT NO.
10-146

AGREED FINAL ORDER

On this the 5th day of October, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Clinton Carl Pickett (Respondent).

In order to conclude this matter Clinton Carl Pickett neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein but agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Clinton Carl Pickett is a Texas state certified residential real estate appraiser, holds certification number TX-1337798-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about December 23rd, 2009, the Respondent appraised real property located at 2726 Bellaire Blvd, Houston, Texas 77005 ("the property").
4. On or about January 14th, 2010, the Complainant, Mike Brubaker, filed a complaint with the Board based on allegations that the Respondent had produced an appraisal report that contained various deficiencies.
5. On or about January 19th, 2010, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2001, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a) Respondent failed to comply with the Competency Rule;
- b) Respondent failed to identify and report the site and improvement(s) descriptions adequately;
- c) Respondent failed to use an appropriate method or technique to develop an opinion of site value;
- d) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized methods and techniques in his sales comparison approach;
- e) Respondent failed to analyze all sales of the subject within three years prior to the effective date of the appraisal;
- f) Respondent's report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report for the property.

7. Respondent made material misrepresentations and omitted material facts in his appraisal report as detailed above.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Competency; USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-4(b)(i) & 2-2(b)(viii); 1-4(a) & 2-2(b)(viii), 1-1(a) & 1-4(a); 1-5(b) & 2-2(b)(viii); and 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts from his appraisal report.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;

- b. Attend and complete a minimum, 15 classroom-hour course in Sales Comparison Approach;
- c. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies or Residential Report Writing;
- d. Attend and complete a minimum, 7 classroom-hour course in Valuation by Comparison: Residential Analysis and Logic
 - i. No examination shall be required for this course;
- e. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for licensure.

Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.

ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS. Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent pays the Administrative Penalty or takes and passes the required educational courses and provides adequate documentation of same to the Board.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 5th day of October, 2010.

Clinton C. Pickett
CLINTON CARL PICKETT

TED WHITMER, ATTORNEY FOR
CLINTON CARL PICKETT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 5th day of October, 2010, by CLINTON CARL PICKETT, to certify which, witness my hand and official seal

LeAnn Tromanhauser
Notary Public Signature

LeAnn Tromanhauser
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 17th day of NOVEMBER, 2010.

Troy Beaulieu
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 19th day of Nov, 2010.

Douglas Oldmixon
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 19th day of November, 2010.

James B. Rattiff
James B. Rattiff, Chairperson
Texas Appraiser Licensing and Certification Board